

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Klinman *et al.*

Application No. 10/666,022

Filed: September 17, 2003

Confirmation No. 7954

For: METHOD OF TREATING AND
PREVENTING INFECTIONS IN
IMMUNOCOMPROMISED SUBJECTS
WITH IMMUNOSTIMULATORY CPG
OLIGONUCLEOTIDES

Examiner: Not yet assigned

Art Unit: 1645

Attorney Reference No. 4239-66899

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed February 6, 2004



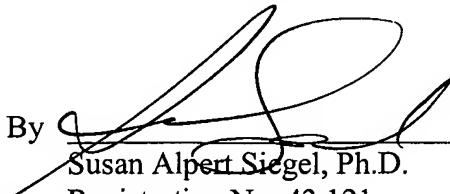
TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- Information Disclosure Statement
- Form 1449 and 13 references cited thereon
- The Director is hereby authorized to charge any fees that may be required to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

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PATENT

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**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Copies of issued U.S. patents and applications need not be sent to the Patent Office pursuant to 1276 OG 55 (August 5, 2003). However, we will furnish the Patent Office with such copies upon request.

A copy of EP 1 198 249 A2 is not enclosed. However a copy of an electronic document from Delphion, stating that WO 01/00232 A3 is identical to EP 1 198 249 A2, and has been substituted therefore, is enclosed for the examiner's convenience.

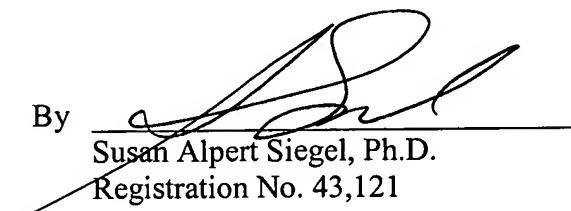
Applicants filed this Information Disclosure Statement ("IDS") before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this IDS. However, if the Patent Office determines that a fee is required for Applicants to file this IDS, please charge any such fees, or credit overpayment, to our deposit account as noted on the Transmittal Letter.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT 		Attorney Docket Number	4239-66899
		Application Number	10/666,022
		Filing Date	September 17, 2003
		First Named Inventor	Verthelyi
		Art Unit	1645
		Examiner Name	Not yet assigned

U.S. PATENT DOCUMENTS

Examiner's Initials*	Cite No. (optional)	Number	Date	Name
		4,469,863	9/04/1984	Ts'o
		5,023,243	6/11/1991	Tullis
		6,194,388	2/27/2001	Krieg
		6,207,646	3/27/2001	Krieg
		6,214,806	4/10/2001	Krieg
		6,218,371	4/17/2001	Krieg
		6,239,116	5/29/2001	Krieg
		6,339,068	1/05/2002	Krieg
		6,406,705	6/18/2002	Davis
		6,429,199	8/06/2002	Krieg

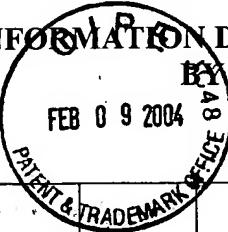
FOREIGN PATENT DOCUMENTS

Examiner's Initials*	Cite No. (optional)	Number	Date	Country
		WO 95/26204	10/05/1995	
		WO 01/00232	1/04/2001	
		EP 0 092 574	4/29/1992	
		EP 1 198 249	4/24/2002	

EXAMINER
SIGNATURE:

DATE
CONSIDERED:

* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>FEB 09 2004</i> 		Attorney Docket Number	4239-66899
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Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS	
		Amaral <i>et al.</i> , "Leishmania amazonensis: the Asian rhesus macaques (Macaca mulatta) as an experimental model for study of cutaneous leishmaniasis," <i>Exp. Parasitol.</i> 82(1):34-44, 1996.	
		Azzoni <i>et al.</i> , "Sustained impairment of IFN-gamma secretion in suppressed HIV-infected patients despite mature NK cell recovery: evidence for a defective reconstitution of innate immunity," <i>J. Immunol.</i> 168(11):5764-5770, 2002.	
		Chehimi, "Persistent decreases in blood plasmacytoid dendritic cell number and function despite effective highly active antiretroviral therapy and increased blood myeloid dendritic cells in HIV-infected individuals," <i>J. Immunol.</i> 168(9):4796-4801, 2002.	
		Gursel, "Sterically stabilized cationic liposomes improve the uptake and immunostimulatory activity of CpG oligonucleotides," <i>J. Immunol.</i> 167(6):3324-3328, 2001.	
		Kenney <i>et al.</i> , "Protective immunity using recombinant human IL-12 and alum as adjuvants in a primate model of cutaneous leishmaniasis," <i>J. Immunol.</i> 163(8):4481-4488, 1999.	
		Maddon, "The isolation and nucleotide sequence of a cDNA encoding the T cell surface protein T4: a new member of the immunoglobulin gene family," <i>Cell</i> 42(1):93-104, 1985.	
		Moss and Ledman, "Immunization of the immunocompromised host," <i>Clinical Focus on Primary Immune Deficiencies</i> 1(1):1-3, 1998.	
		Verthelyi <i>et al.</i> , "Human peripheral blood cells differentially recognize and respond to two distinct CPG motifs," <i>J. Immunol.</i> 166(4):2372-2377, 2001.	
		Verthelyi <i>et al.</i> , "CpG oligodeoxynucleotides as vaccine adjuvants in primates," <i>J. Immunol.</i> 168(4):1659-1663, 2002.	

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